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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

WESTERN WATERSHEDS PROJECT
al.,

Plaintiffs,

vs.

RANDY MOORE, in his official capacity
as Chief of the U.S. Forest Service, et al.,

Federal-Defendants.

Case No. 9:22-cv-00149-DLC-
KLD

**DECLARATION OF
GEORGE WUERTHNER**

Pursuant to 28 U. S. C. § 1746, I, George Wuerthner, declare under penalty of perjury that the following is true and correct:

1. I am a member and science advisor to the Gallatin Wildlife Association, a plaintiff in this case. I am also involved with a number of the other plaintiff organizations involved in the case, including Western Watersheds Project (where I was formerly the board president), WildEarth Guardians (current member), Center for Biological Diversity (current member), and the Sierra Club (current member and where I also sit on the organization's Grazing Committee).

2. I have degrees in wildlife biology/zoology and botany from the University of Montana and graduate work in range science at Montana State University. In addition, I have a master's in science communication from the University of California, Santa Cruz and additional graduate work in geography at the University of Oregon. Over my academic endeavors, I have taken more than 30 courses related to ecology in one fashion or another. Germane to this discussion, some courses of interest include range ecology, animal nutrition, range plant identification, and range management, among others.

3. In the past, I have worked as a botanist/range technician for the United States Bureau of Land Management, as well as forestry technician and recreation technician for the United States Forest Service, and as a

biologist/backcountry ranger for the National Park Service. I have also taught field ecology courses in the Greater Yellowstone Ecosystem for San Francisco State University, Prescott College, and the University of California, Santa Barbara.

4. Much of my life I was employed as a writer/photographer and I have published 38 books on environmental and natural history topics, including three books on the Greater Yellowstone region and its wildlife, and one on “welfare ranching,” which deals specifically with the impact of livestock grazing on public lands.

5. In 2002, my colleagues and I completed a two-year biological assessment of the Greater Yellowstone Ecosystem (GYE). In that assessment, we rated the Upper Yellowstone Valley, which includes the East Paradise project area, as one of the most important biological hot spots in the GYE. Our subsequent publication in *Conservation Biology*, “A Multicriteria Assessment of the Irreplaceability and Vulnerability of Sites in the Greater Yellowstone Ecosystem” (2002), has been cited nearly 400 times in other academic publications.

6. I am a long-time resident of Park County, both as a part-time and full-time resident. As early as 1973, I lived in Gardiner, Montana and later in Livingston, Montana. I still have a place in Gardiner and a home in Livingston. Of all the places I’ve lived, I still consider the Upper Yellowstone Valley my home.

One of the great attractions of the Upper Yellowstone region to me is the abundance of wildlife, particularly species that are rare or non-existent in other parts of the West like grizzly bear, wolf, wolverine, and so on.

7. During my many years in Park County, I have visited all of the East Paradise grazing allotments on numerous occasions. So, I am intimately familiar with all the allotments at issue in this case. The Suce Creek allotment is one that I visit the most, as I almost daily hike or trail run whenever I am in Livingston. The Six Mile allotments are near the Dome Mountain Wildlife Management Area. I have hunted here, and regularly observe or see evidence of numerous wildlife in the area, including grizzly bears. There is so much elk dung in much of this area (reflecting the high numbers of these animals) that it is almost impossible to hike without stepping on elk poop. The Mill Creek allotment overlaps Mill Creek where I sometimes fish. The Pine Creek allotment area is another place where I have hunted in the past. The Elbow Allotment is more difficult to approach, but in the past, I have hiked the area.

8. I regularly visit these allotments, including as recently as September 2023. And I can say without hesitation that I will be revisiting these allotments in the future. They are all part of my “regular” activity areas that I repeatedly revisit every year.

9. I was involved in the public commenting process for the East Paradise decision, and I submitted substantive comments to the Forest Service on this project in December 2020. In June 2021, I also submitted an objection to the decision.

10. One of the greatest attractions of the Paradise Valley and adjacent areas of the Custer Gallatin National Forest (CGNF) is the abundance of wildlife. I never grow tired of viewing the area's elk, deer, moose, grizzlies, bighorn sheep, and so forth. The CGNF's highest values are not grazing, logging, or other extractive activities, but what I call the "three W's:" Watershed, Wildlife and Wilderness. The decision to promote livestock grazing on these allotments has major implications for the "three Ws." Livestock grazing pollutes water and degrades riparian areas—which are critical to healthy watersheds. The presence of livestock socially displaces native herbivores like elk. Livestock also create a conflict with native predators—in that if killed by grizzly or wolves, it is the native species that usually suffer—either by being trapped and removed, or through lethal control. Also, the most southern Allotments (i.e., Six Mile) near Dome Mountain are likely to be colonized by bison someday, and this would be another potential source of conflict. Cattle use of riparian areas has often harms fisheries—and I regularly fish Mill Creek and Six Mile Creek. The proposed solutions to some of these conflicts like the development of water pipelines, troughs, fencing, etc. all fragment the landscape and harm wildlife (for

instance native animals are trapped in fences). As a taxpayer I also object to the selected Forest Service alternative's inclusion of numerous infrastructure projects (such as the construction of fences, water pipelines, troughs, etc.). All of these so-called "range improvements" cost far more to construct and implement than the Forest Service receives in grazing fees.

11. I am especially concerned about the impacts to grizzly bears in the East Paradise project area. I can attest from my long association with the area that grizzly bears are expanding their range far beyond what was the situation in the 1970s when I first explored the area. Bears are now regularly observed in the East Paradise project area, from the Six Mile area (in the south) and occasionally further north, to Suce Creek. I also know how important this area and the Absaroka Mountains are to grizzly bear conservation in the GYE and for grizzly bears dispersal, connectivity, and movement out of the GYE. The increase in private land development in the Paradise Valley and increase in recreational pressure has made this area of the Absaroka Mountains even more important for wildlife, including grizzly bears. As an ecologist, I love seeing grizzly bears slowly recover from their near extinction in the GYE. I purposefully spend hours at a time scanning slopes near Dome Mountain, as well as other portions of the ecosystem and project area looking for grizzly bears. I consider it a red-letter day when I see one bear, and I have been

fortunate enough to see many bears. In 2023, for instance, I observed approximately 25 grizzlies while hiking or backpacking in the GYE, including near the East Paradise Allotments

12. I believe the Forest Service's decision to approve the East Paradise Allotments has and continues to harm my interests in grizzly bear conservation in the GYE, the Absaroka Mountains, and the project area. Livestock has numerous impacts on the landscape. Basically, the problem is that the cattle raised in the Yellowstone area evolved in moist woodlands in Europe. Consequently, when they are released in the arid West (and relative to northern Europe—the West is arid), they gravitate to the habitat most like their evolutionary habitat, which is moist woodlands. The only habitat like that in the Upper Yellowstone/East Paradise area are the riparian areas along streams. Cattle using these riparian areas trample the banks, widening the streams and changing them from deep to shallow waterways, which are less attractive for fish. Grizzly bears also rely on the green vegetation along riparian areas, especially in the spring, and if consumed by livestock or due to livestock, riparian areas are degraded, this could harm grizzlies. Livestock also spread weeds, including cheatgrass, which is highly flammable, and thus can contribute to higher fire danger. Livestock compete with native herbivores from ground squirrels to elk for forage. Every blade of grass going into a cow is that much less forage for

native wildlife. Livestock socially displace native wildlife—elk in particular, avoid places where livestock are actively grazing. If one presumes that elk wind up moving from the places they prefer to graze, they are being pushed into less attractive habitats where, perhaps, they are more vulnerable to predators or the forage is less nutritious. Cattle are also the justification for predator control – wolves, coyotes, grizzly bear, cougar etc. are regularly killed to make the public lands safer for private livestock production. This is a major concern, especially given the significant increase in grizzly bear mortalities in the GYE associated with livestock conflicts over the last decade. I expect that this East Paradise decision – which expands the area available for livestock grazing in the Sixmile allotments - will only make matters worse and increase the chances of more grizzly bear conflicts and subsequent removals and mortalities. Cattle can also spread disease to wildlife—for instance, Chronic Wasting Disease (CWD) was originally transmitted from domestic animals to wild deer and elk. CWD is lethal to all infected wildlife. The Forest Service is now allowing livestock on allotments earlier in the season (June 1) as a result of the East Paradise decision, which poses problems for wolves, grizzlies, and elk. For instance, wolf pups are not mobile that early in the year and must be fed by their parents. Livestock are often easier to obtain for food, and their presence makes it likely that wolves may consume cattle—which would lead to the removal or killing of wolves.

Same for grizzly bear sows who may have young cubs in tow and the need to feed the young bears can lead to predation on livestock. Young calves on the allotments in early June are particularly vulnerable to grizzly bear depredation. Even elk are harmed because they are socially displaced just as they are calving their young in late May or early June.

13. I believe that the best decision for the public and the wildlife of this region is to close all these allotments permanently. This would bring about the best consequences for the “three Ws:” watershed, wildlife and wilderness. And it would save taxpayers a considerable amount of money. I am certain that if the federal government had done an honest job of evaluating all of the ways that domestic livestock degrade public values, it would not be able to justify any livestock grazing on these allotments.

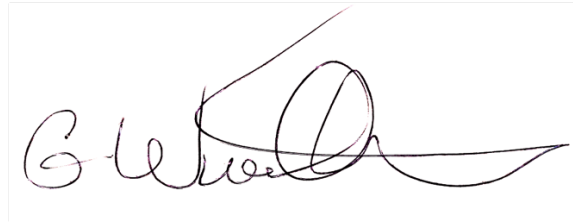
14. I also believe the agency’s failure to comply with the mandates of NEPA and take a hard look at the effects of the East Paradise decision - particularly on grizzly bears - as alleged in this lawsuit has harmed and continues to harm my interests in ensuring that our federal agencies properly disclose and analyze environmental impacts and allow the public to participate in major decisions potentially effecting the environment. The Forest Service, for instance, never carefully considered or analyzed how this decision, in combination with all the

actions occurring on private lands in the same area, may cumulatively affect grizzly bears. This area of the Paradise Valley is likely becoming a population sink or ecological trap for grizzly bears and the East Paradise decision will only make it worse. I believe that if the Forest Service had followed NEPA and taken a hard look at the effects to grizzly bears – including the cumulative effects – from this decision, I believe they would likely have reached a different result and closed the allotments to grazing. I also believe the requiring the Forest Service to prepare a more thorough Environmental Impact Statement (“EIS”) for this project would help answer a lot of the controversy and uncertainty surrounding grazing in this area.

15. I believe that if the Forest Service is ordered to properly consider the impacts of its approval of expanded and continued livestock grazing on the East Paradise allotments on grizzly bears as a result of this lawsuit, the procedural harms I face as a result of this serious error would be alleviated, and the agency may make a different decision that further protects, rather than harms, grizzly bears and other wildlife in the GYE. This would redress the harms to my interests. If the agency properly considers the impacts of the East Paradise decision on grizzly bears it will make a more fully informed decision and may elect to not allow expanded and continued grazing in this area. This would benefit my interests in grizzly bears, grizzly

bear conservation, and improve my chances of seeing grizzly bears (and the benefits I derive from such encounters) on my next visit to this region.

Executed on this 30th day of November, 2023 in Bend, Oregon.

A handwritten signature in black ink, appearing to read "G. Wuertner", enclosed within a rectangular box.

GEORGE WUERTHNER